

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MYRIAM ZAYAS,

Plaintiff,

v.

BOLESHA JOHNSON,

Defendant.

CASE NO. 3:23-cv-05165-BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 5, recommending that the Court deny pro se plaintiff Myriam Zayas's application for leave to proceed *in forma pauperis* and dismiss this case without prejudice. Zayas has objected to the R&R. Dkt. 6.

The R&R thoroughly details the deficiencies in Zayas's proposed complaint, including the fact that it ordered her to file an amended complaint and she refused. Dkts. 3 and 4. Zayas alleges that defendant Bolesha Johnson (the Regional Administrator of the Department of Children Youth and Families) has stalked her and her children for 15 years, and that Johnson unlawfully removed Zayas's children from her home. Dkt. 1-1.

1 Judge Fricke’s R&R points out that Zayas had previously asserted substantially
2 similar claims arising out of the same facts, against two other defendants in a case that
3 was dismissed with prejudice by Judge James L. Robart. Dkt. 5 at (citing *Zayas v.*
4 *Hopfauf*, No. C20-981-JLR-TLF, at Dkts. 57, 60, and 62). It concluded that, among other
5 deficiencies, Zayas’s proposed claims were barred by res judicata. *Id.* The R&R
6 recommends dismissal without prejudice and without leave to amend.

7 “The district judge must determine de novo any part of the magistrate judge’s
8 disposition that has been properly objected to. The district judge may accept, reject, or
9 modify the recommended disposition; receive further evidence; or return the matter to the
10 magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). A party properly objects
11 when the party files “specific written objections” to the report and recommendation as
12 required under Federal Rule of Civil Procedure 72(b)(2).

13 “[I]n providing for a de novo determination . . . Congress intended to permit
14 whatever reliance a district judge, in the exercise of sound judicial discretion, chose to
15 place on a magistrate’s proposed findings and recommendations.” *United States v.*
16 *Raddatz*, 447 U.S. 667, 676 (1980) (internal quotation marks omitted). Accordingly,
17 when a district court adopts a magistrate judge’s recommendation, the district court is
18 required to merely “indicate[] that it reviewed the record de novo, found no merit
19 to . . . [the] objections, and summarily adopt[] the magistrate judge’s analysis in [the]
20 report and recommendation.” *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023).
21 In so doing, district courts are “not obligated to explicitly address [the] objections.” *Id.* at
22 437.

1 Zayas's objection, Dkt. 6, is a indecipherable list of what appear to be wholly
2 unrelated cases, with no legal or factual analysis addressing why the R&R was wrong.
3 Her objection does not address the basis for the R&R—res judicata—and the Court need
4 not address it further.

5 The R&R is **ADOPTED**. Zayas's motion for leave to proceed *in forma pauperis* is
6 **DENIED** and this matter is **DISMISSED without prejudice and without leave to**
7 **amend.**

8 The Clerk shall enter a **JUDGMENT** and close the case.

9 **IT IS SO ORDERED.**

10 Dated this 8th day of September, 2023.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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